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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VAUTROT, DENNIS L

ART UNIT

PAPER NUMBER

2167

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,941	<b>Applicant(s)</b> WONG, DANIEL MANHUNG	
	<b>Examiner</b> Dennis L. Vautrot	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/2/06 2/13/06, 1/30/06, 10/24/05, 7/25/05, &amp;</u>                     | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The Applicants' Information Disclosure statements (IDS), filed 17 June 2004, 25 July 2005, 24 October, 2005, 30 January 2006, 13 February 2006, and 2 May 2006 have been received and entered into the record. Since the IDS comply with the provisions of MPEP § 609, the references cited therein have been considered by the examiner. See attached form PTO-1449.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 14 – 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer readable medium, as defined in the specification in paragraphs [0041] through [0043] includes acoustic, light, and carrier waves. These are not tangibly embodied in a computer-readable medium, and hence non-statutory. This interpretation of 35 U.S.C. § 101 is consistent with the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, published on 26 October 2005, which can be found at [http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101\\_20051026](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026).

pdf>, particularly with respect to ANNEX IV Computer-Related Nonstatutory Subject Matter, beginning on page 50.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 4, 6, 10 – 16, 18, and 22 – 26 are rejected under 35 U.S.C. 102(b) as being anticipated by **Lin et al.** (hereinafter **Lin**, US 2001/0021929).

5. Regarding claims 1 and 14, **Lin** teaches a machine-implemented method and machine readable medium for executing a database statement, the method comprising the steps of: a database server receiving a request to execute a database statement, wherein the request specifies the database statement and a tag that does not conform to a database language (See page 3, paragraph [0033] "...receiving a database query request and the appended parameters sent by the user using a querying device..." Here, the parameters correspond to the tag that does not conform to the database language.);

wherein said tag specifies at least one parameter field and at least one parameter value (See page 2, paragraph [0029] "...the following format of user registration table can be stored." See the figure that follows showing the parameter

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fields. While only the parameter fields are listed there, parameter values would necessarily need to be included as well and therefore are inherent in the disclosure.);

in response to receiving the request, said database server storing the tag (See page 3, paragraph [0035] "Query recording means is used for storing the database query request and the appended parameters received by control means...." The appended parameters that are stored are what are referred to as the tag in the claim.);

said database server executing said database statement, wherein during execution of said database statement said database server provides access to one or more of the at least one parameter values through a tag access mechanism provided by said database server (See page 3, paragraph [0036] "Furthermore, control means determines a receiving device based on the appended parameters, the predetermined information, and the query results..." Here, the control means accesses the parameters during the execution to determine the receiving device.)

6. Regarding claims 2 and 15, Lin additionally teaches the database statement is written in a language in which results desired are specified, but no procedures for obtaining the results desired are specified. (See page 4, paragraphs [0051] and [0052] "In step 202 a database query request and the appended parameters submitted by the user are received from a querying device through communication gateway and communication network...In step 203 the query request is converted into a corresponding database query command according to the querying device type and the queried database type." This conversion from the originally received statement into a

query that will be operable on a particular database suggests that the original statement is written in the language as referred to in the claim (and defined as a declarative language in the specification in paragraph [0005].)

7. Regarding claims 3 and 16, Lin additionally teaches a priority for executing the database statement is determined based on the at least one parameter value. (See page 2, paragraph [0028] "There are various aspects of user management including, ...setting of the user priority, ...setting of the priority of returned query results, etc." and page 3, paragraph [0033] "Herein the appended parameters include information such as query attributes, query priorities, and designated receiving devices." Reading these together, it is clear the priority is being sent as a parameter value.)

8. Regarding claims 4 and 26, Lin additionally teaches a security level is associated with the at least one parameter such that whether the database is entitled to access a component is based on the at least one parameter. (See page 2, paragraph [0028] "There are various aspects of user management, including authentication of the user identity, setting of the user priority..." and see page 4, paragraph [0050] "Thereby, the user identity is authenticated. If the user is legal, the following steps are executed." The identified user, and specifically their priority, could be considered the security level of the user.)

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9. Regarding claims 6 and 18, Lin additionally teaches the at least one parameter is related to user context information (See page 3, paragraph [0028] "There are various aspects of user management including the authentication of the user identity, setting of the user priority, setting of the service type, setting of the priority of returned query results etc." Taken together all of these represent the user context information as referred to in the application.)

10. Regarding claims 10, 22, and 23, Lin additionally teaches the at least one parameter value can be accessed without accessing a session space associated with a database window, wherein the database statement was issued within the session window. (See page 2, paragraph [0019] "The users can remove the connection after they have submitted a database query request. The inventive system can call back the users automatically and continuously after it has received the query results until the users obtain the query results." The session space was defined in the specification as the memory allocated to database sessions. Here, it is clear the connection to that space is ended by removing the connection, therefore, any accessing of the parameter value that is done, is necessarily done without accessing the session space. Also, the statement had to have been issued during the session window, because the reference shows the connection being removed after the request was submitted, implying there was previously a connection.)

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11. Regarding claims 11 and 24, Lin additionally teaches the at least one parameter value can be accessed without accessing a session space associated with a database window, wherein the database statement was issued within the session window. (See page 2, paragraph [0019] "The users can remove the connection after they have submitted a database query request. The inventive system can call back the users automatically and continuously after it has received the query results until the users obtain the query results." The session space was defined in the specification as the memory allocated to database sessions. Here, it is clear the connection to that space is ended by removing the connection, therefore, any accessing of the parameter value that is done, is necessarily done without accessing the session space. Also, the statement had to have been issued during the session window, because the reference shows the connection being removed after the request was submitted, implying there was previously a connection.)

12. Regarding claim 12, Lin additionally teaches the at least one parameter value can be accessed without accessing a session space associated with a database window, wherein the database statement was issued within the session window. (See page 2, paragraph [0019] "The users can remove the connection after they have submitted a database query request. The inventive system can call back the users automatically and continuously after it has received the query results until the users obtain the query results." The session space was defined in the specification as the memory allocated to database sessions. Here, it is clear the connection to that space is



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ended by removing the connection, therefore, any accessing of the parameter vale that is done, is necessarily done without accessing the session space. Also, the statement had to have been issued during the session window, because the reference shows the connection being removed after the request was submitted, implying there was previously a connection.)

13. Regarding claims 13 and 25, Lin additionally teaches the at least one parameter value can be accessed after a session window has closed, wherein the database statement was issued within the session window. (See page 2, paragraph [0019] "The users can remove the connection after they have submitted a database query request. The inventive system can call back the users automatically and continuously after it has received the query results until the users obtain the query results." The session window was defined in the specification as the period of time during which a communicative connection exists between the user and the database. Here, it is clear the connection is ended, therefore, any accessing of the parameter vale that is done, is necessarily done after the connection has ended. Also, the statement had to have been issued during the session window, because the reference shows the connection being removed after the request was submitted, implying there was previously a connection.)

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lin** as applied to claim 1 above and further in view of **Inohara et al.** (hereinafter **Inohara**, US 6,757,670). **Lin** teaches a method for executing a database statement substantially as shown. **Lin** fails to teach one parameter is accessible to a system administrator. **Inohara**, however, teaches one parameter is accessible to a system administrator. (See column 10, lines 10-14 "The administrator associates the query classification definition with the query operation direction and stores them in the data processing system..." Here, parameters of the database statement are the operation direction and classification definition.) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine **Lin** and **Inohara** because they are essentially both methods for query processing and by including the teaching of the system administrator having access to a parameter of **Inohara**, there can be more security over who can actually access the parameter, creating a more secure method of database access. It is for this reason that one of ordinary skill in the art would have been motivated to include one parameter is accessible to a system administrator.

16. Claims 7 – 9 and 19 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lin** as applied to claim 1 above and further in view of **Manikutty et al.** (hereinafter **Manikutty**, US 2004/0064466).

17. Regarding claims 7 and 19, **Lin** teaches a method for executing a database statement substantially as shown. **Lin** fails to teach the tag comprises an indicator of a beginning of the tag, and an indicator of an end of the tag. **Manikutty**, however, teaches the tag comprises an indicator of a beginning of the tag, and an indicator of an end of the tag. (See page 4, paragraph [0043] "XML tags appear inside angle brackets...; the end of an XML tag is indicated by a slash '/'.") It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Lin** with that of **Manikutty** because they both relate to some form of querying data in a database. Additionally adding the tags as disclosed in **Manikutty**, or in other words, using XML to represent the control information, allows for enhanced performance and storage as well as compatibility with more frequently seen XML databases. It is for this reason that one of ordinary skill in the art would have been motivated to include the tag comprises an indicator of a beginning of the tag, and an indicator of an end of the tag.

18. Regarding claims 8 and 20, **Lin** teaches a method for executing a database statement substantially as shown. **Lin** fails to teach the at least one parameter value is located between the indicator of the beginning and the indicator of the end of the tag. **Manikutty**, however, teaches the at least one parameter value is located between the indicator of the beginning and the indicator of the end of the tag. (See page 4, table 1, line 9, showing the parameter value "0017", being located between the <ENO> and

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</ENO>, which are indicators of the beginning and end of the tag.) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Lin** with that of **Manikutty** because they both relate to some form of querying data in a database. Additionally adding the tags as disclosed in **Manikutty** is the standard way for representing XML attributes in general – with the parameter being located between the indicators. It is for this reason that one of ordinary skill in the art would have been motivated to include the at least one parameter value is located between the indicator of the beginning and the indicator of the end of the tag.

19. Regarding claims 9 and 21, **Lin** teaches a method for executing a database statement substantially as shown. **Lin** fails to teach each of the at least one parameter fields comprises an indicator of a beginning of the parameter field, followed by the parameter value, which in turn is followed by an indicator of an end of the parameter field. **Manikutty**, however, teaches each of the at least one parameter fields comprises an indicator of a beginning of the parameter field, followed by the parameter value, which in turn is followed by an indicator of an end of the parameter field. (See page 4, table 1, line 9, showing the parameter value “0017”, being located between the <ENO> and </ENO>, which are indicators of the beginning and end of the tag.) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Lin** with that of **Manikutty** because they both relate to some form of querying data in a database. Additionally adding the tags as disclosed in **Manikutty** is the standard way for representing XML attributes in general – with the parameter being

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located between the indicators. It is for this reason that one of ordinary skill in the art would have been motivated to include each of the at least one parameter fields comprises an indicator of a beginning of the parameter field, followed by the parameter value, which in turn is followed by an indicator of an end of the parameter field.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Puz et al.** (US 2005/0050046), which teaches including security information in the SQL statement.


**Dutta et al.** (US 2005/0177570) teaches including priority and security as parameter information in database requests.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis L. Vautrot whose telephone number is 571-272-2184. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dv  
5 August 2006

  
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7 August 2006